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Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya

Note verbale dated 24 June 2011 from the United States Mission to the United Nations addressed to the Chair of the Committee

The United States Mission has the honour to attach herewith the report of the United States on the implementation of resolution 1970 (2011), as requested in paragraph 25 of resolution 1970 (2011).

11-43459 (E) 020811

Please recycle

Annex to the note verbale dated 24 June 2011 from the United States Mission to the United Nations addressed to the Chair of the Committee

Report of the United States of America on its implementation of Security Council resolution 1970 (2011)

Arms Embargo

The transfer or export of United States defence articles and defence services is controlled by the Arms Export Control Act. The Act is the governing statutory authority for government-to-government agreements (the Foreign Military Sales system) and the licensing of direct commercial sales. In addition, the International Traffic in Arms Regulations further regulate the direct commercial sales licensing system. The Act and the Regulations serve as the basis for United States compliance with the arms embargo on the Libyan Arab Jamahiriya imposed by the Security Council in its resolution 1970 (2011) and modified by its resolution 1973 (2011).

The United States munitions export control system is designed to deny access to United States-origin defence equipment and technology to adversaries and parties whose interests are inimical to those of the United States. The export control process is closely regulated and excludes the participation of parties that are embargoed by the United Nations or are otherwise ineligible.

The United States requires all United States persons that manufacture or export defence articles or furnish defence services, as well as United States and foreign persons engaged in arms brokering, to register with the United States Department of State. Once registered, any export of defence articles, furnishing of defence services, or the brokering thereof, must be authorized through a license or other authorization by the Department of State. Once registered, any export of defence articles, furnishing of defence services, or brokering thereof, must be authorized through a license or other authorization by the Department of State. Direct commercial sales are subject to end-use monitoring under the Arms Export Control Act as implemented by the Department of State's "Blue Lantern" programme. Arms export control violations, including provision of defence articles and technology to ineligible persons, are subject to strict penalties, both criminal (including a prison sentence of 20 years and/or a $1 million fine for each violation) and civil (debarment from participation in United States defence trade and monetary penalties up to $500,000 for each violation).

Following the adoption of Security Council resolution 1970 (2011), the United States Department of State on 4 March 2011 suspended all export licenses under the Arms Export Control Act and the International Traffic in Arms Regulations for Libya.* Subsequently, the Department of State published an amendment to the Regulations (76 Fed. Reg. 30001, effective 24 May 2011)* to reflect and implement the provisions contained in paragraphs 9 and 10 of resolution 1970 (2011), as modified by resolution 1973 (2011).

* Annexes are on file with the Secretariat and are available for consultation.

As stated in the Federal Register notice containing that amendment:

This rulemaking implements the Security Council's actions within the International Traffic in Arms Regulations by adding Libya to section 126.1(c) and revising the previous policy on Libya contained in section 126.1(k) to announce a policy of denial for all requests for licenses or other approvals to export or otherwise transfer defence articles and services to Libya, except where not prohibited under Security Council embargo and determined to be in the interests of the national security and foreign policy of the United States.

The text of the amendment is as follows:

(k) *Libya.* It is the policy of the United States to deny licenses or other approvals for exports or imports of defence articles and defence services destined for or originating in Libya, except where it determines, upon case-by-case review, that the transaction (or activity) is not prohibited under applicable United Nations Security Council resolutions and that the transaction (or activity) is in furtherance of the national security and foreign policy of the United States.

Travel Ban

Under the applicable provisions of the Immigration and Nationality Act, the United States has the necessary authority to prevent the entry into or transit through the United States' territories of individuals listed in annex I of Security Council resolution 1970 (2011), listed in annex I of Council resolution 1973 (2011), or designated by the Committee established pursuant to Council resolution 1970 (2011) concerning the Libyan Arab Jamahiriya (herein "the Committee"), provided that those individuals are not nationals of the United States and that the United States Government has not determined that their entry or transit is required to advance peace and security in the Libyan Arab Jamahiriya (in which event the United States Government will notify the Committee within forty-eight hours after making such a determination, as provided by resolution 1970). To the extent consistent with United States law, travel exceptions will be granted if the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation, or that an exemption would further the objectives of peace and national reconciliation in the Libyan Arab Jamahiriya and stability in the region.

Asset Freeze

The United States has taken the necessary measures to implement the asset freeze in Security Council resolutions 1970 (2011) and 1973 (2011). President Barack Obama issued Executive Order 13566 (effective 25 February 2011),* which implements the provisions contained in paragraph 17 of resolution 1970 (2011).

Executive Order 13566 was issued under the authority vested in the President by the Constitution and laws of the United States, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) and section 301 of title 3 of the United States Code.

According to Section 10 of that order, the Secretary of the Treasury is authorized to take all actions necessary to carry out its purposes. As of June 21, 2011, the United States has blocked approximately $37 billion in Government of Libya assets under United States jurisdiction.

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Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya

Letter dated 24 June 2011 from the Permanent Representative of Japan to the United Nations addressed to the Chair of the Committee

In reference to your letter dated 25 March 2010, the Government of Japan is honoured to present its report to the Committee established pursuant to paragraph 24 of Security Council resolution 1970 (2011) concerning the Libyan Arab Jamahiriya, in paragraph 25 of which the Council calls upon all Member States to report to the Committee within 120 days of the adoption of the resolution on the steps they have taken with a view to implementing effectively paragraphs 9, 10, 15 and 17 of the resolution (see annex).

(*Signed*) Tsuneo **Nishida**
Ambassador
Permanent Representative of Japan to the United Nations

11-43476 (E) 110811

Please recycle

Annex to the letter dated 24 June 2011 from the Permanent Representative of Japan to the United Nations addressed to the Chair of the Committee

Report to the Security Council Committee established pursuant to paragraph 24 of resolution 1970 (2011) concerning the Libyan Arab Jamahiriya

Japan's export control legislation and measures in accordance with paragraph 9 of resolution 1970 (2011)

Japan's export control system is based on the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1948, hereinafter referred to as the "Foreign Exchange Act"), which provides the general legal framework governing exports from Japan and external transactions, as well as on the Export Trade Control Order (Cabinet Order No. 378 of 1949) (for goods) and on the Foreign Exchange Order (Cabinet Order No. 260 of 1980) (for technologies). In accordance with these regulations, the Government of Japan exercises careful control over exports of all items on the lists attached to the Orders by means of a licensing requirement.

Based on the Foreign Exchange Act, the Government of Japan controls the export of arms and related technologies, which appear as the items described as "subject to control" in item 1 of appended table 1 of the Export Trade Control Order and the appended table of the Foreign Exchange Order, respectively. Goods and technologies described on the list of the Orders correspond to the goods and technologies controlled by the international export control regime, namely the Wassenaar Arrangement.

Regarding arms exports, the Government of Japan has been dealing carefully with "arms" exports in accordance with the Three Principles on Arms Exports (hereinafter referred to as "the Three Principles") and their related policy guidelines in order to avoid any possible aggravation of international conflicts. The Three Principles have been the basic policy concerning Japan's "arms" exports since they were declared at the Diet session in 1967.

Under the Three Principles, "arms" exports to the following countries or regions shall not be permitted:

(1) Communist bloc countries;

(2) Countries subject to "arms" exports embargo under Security Council resolutions;

(3) Countries involved in or likely to be involved in international conflicts.

Subsequently, in February 1976, the Government of Japan announced the collateral policy guideline at the Diet session, whereby "arms" exports to other areas not included in the Three Principles will also be restrained in conformity with Japan's position as a peace-loving nation. In other words, the collateral policy guideline declared that the Government of Japan shall not promote "arms" exports, regardless of the destinations. "Arms", as referred to in the Three Principles, are defined as goods which are used by military forces and which are directly employed in combat, specifically, goods listed under item 1 of appended table 1 of the Export Trade Control Order.

Japan's import control legislation and measures in accordance with paragraph 10 of resolution 1970 (2011)

The Government of Japan has taken, in accordance with the Foreign Exchange Act and the Import Trade Control Order (Cabinet Order No. 414 of 1949), necessary measures to prohibit the import of any arms originating from or shipped from Libya.

Under these measures, the Ministry of Economy, Trade and Industry has announced that the importation of arms originating from or shipped from Libya is subject to approval of the Ministry. In light of resolution 1970 (2011), approvals will not be granted for these arms and related materiel.

Measures in accordance with paragraph 15 of resolution 1970 (2011) (travel ban)

The Government of Japan has already initiated, in accordance with the Law for the Establishment of the Ministry of Foreign Affairs and the Immigration Control and Refugee Recognition Act (hereinafter "Immigration Control Act"), necessary measures to exercise vigilance regarding the entry into or transit through its territories of individuals designated in annex I to resolution 1970 (2011) (as well as in annex I to resolution 1973 (2011)).

Under these measures, the Minister for Foreign Affairs, in accordance with the Law for the Establishment of the Ministry of Foreign Affairs, exercises strict vigilance in the examination of entry/transit visas for the entry into or transit through Japan of individuals designated in annex I to resolution 1970 (2011) (as well as in annex I to resolution 1973 (2011)). The Ministry of Justice, in accordance with the Immigration Control Act, also exercises strict vigilance in landing examinations and examinations of applications for certificates of eligibility.

Measures in accordance with paragraph 17 of resolution 1970 (2011) (asset freeze)

The Government of Japan has taken, in accordance with the Foreign Exchange Law and Cabinet approval on 8 March 2011, necessary measures to freeze the funds, other financial assets and economic resources within Japanese territory that are owned or controlled by individuals designated in annex II to resolution 1970 (2011) (as well as individuals and entities designated in annex II to resolution 1973 (2011)).

Under these measures, payments to or by, and capital transactions with, those designated in annex II to the resolution are subject to licensing by the Minister of Finance or the Minister of Economy, Trade and Industry. In light of the resolution, licences will not be granted for these payments and capital transactions, with the exceptions stipulated in paragraph 19 of resolution 1970 (2011).

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Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya

Letter dated 24 June 2011 from the Chargé d'affaires a.i. of the Permanent Mission of Singapore to the United Nations addressed to the Chair of the Committee

With reference to paragraph 25 of Security Council resolution 1970 (2011) requesting Member States to report to the Committee on the steps they have taken with a view to implementing effectively paragraphs 9, 10, 15, and 17 of that resolution, I have the honour to submit herewith the report of Singapore (see annex).

11-45158 (E) 190811

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Annex to the letter dated 24 June 2011 from the Chargé d'affaires a.i. of the Permanent Mission of Singapore to the United Nations addressed to the Chair of the Committee

National report of Singapore on the implementation of Security Council resolution 1970 (2011)

1. Singapore has taken note of the adoption of Security Council resolution 1970 (2011) and is committed to the implementation of the provisions of the relevant paragraphs. In this regard, Singapore has the necessary legislative framework that will enable it to meet its obligations under the resolution.

National legislative measures

2. Singapore has in place various legislative measures to impose the sanctions stipulated under resolution 1970 (2011). These include the Strategic Goods (Control) Act, the Regulation of Imports and Exports Act, the United Nations Act, the Monetary Authority of Singapore Act, the Merchant Shipping Act and the Immigration Act.

3 Through these legislative measures (described in greater detail below), Singapore is able to implement the relevant provisions of resolution 1970 (2011) in the following manner:

(a) Paragraph 9: through a combination of the United Nations Act, the Regulation of Imports and Exports Act, the Strategic Goods (Control) Act, the Monetary Authority of Singapore Act and the Merchant Shipping Act;

(b) Paragraph 10: through a combination of the United Nations Act, the Regulation of Imports and Exports Act, the Strategic Goods (Control) Act and the Merchant Shipping Act;

(c) Paragraph 15: through the Immigration Act;

(d) Paragraph 17: through the Monetary Authority of Singapore Act and the United Nations Act.

Strategic Goods (Control) Act

4. As part of its efforts to help curb the proliferation of weapons of mass destruction, Singapore implemented in January 2003 a robust and enhanced export control system. The Strategic Goods (Control) Act regulates the export, re-export, trans-shipment and transit of strategic goods or technology as defined under the Act. Singapore's strategic goods control lists include all the items from the four multilateral non-proliferation regimes, namely the Australia Group, the Wassenaar Arrangement, the Nuclear Suppliers Group and the Missile Technology Control Regime. Wide powers are also given to law enforcement officers for arrest, search and seizure. The Act imposes heavy penalties for parties involved in transferring or brokering the transfers of strategic goods or technology. A first-time offender can be subjected to a maximum fine of 100,000 Singapore dollars (or more, depending on the value of the goods or technology concerned) or a maximum sentence of two years' imprisonment, or both.

5. Singapore Customs is the national authority for the implementation of the Strategic Goods (Control) Act. Singapore Customs processes all permit applications, registers and audits arms brokers, conducts industry outreach and public awareness programmes and enforces the Act and its Regulations on violations of strategic goods control. Enforcement is based on both timely and reliable intelligence and risk management assessment.

6. Singapore is continually monitoring its system and will make further refinements to it, be they in terms of control lists or procedures, where necessary. Singapore Customs has been conducting regular outreach sessions to educate industries on the Singapore strategic goods control system. Participants are reminded of the need to exercise due diligence, in particular with regard to goods originating from or destined to the countries and entities listed under the relevant Security Council resolutions.

7. Specifically, the Strategic Goods (Control) Act enables Singapore to implement the sanctions in paragraphs 9 and 10 of resolution 1970 (2011) by controlling the export, re-export, trans-shipment and transit of items covered by those paragraphs to the Libyan Arab Jamahiriya through its territory.

Regulation of Imports and Exports Act

8. The Regulation of Imports and Exports Act and its Regulations provide the framework under which Singapore regulates and controls general imports and exports. The Act also regulates controls on countries under Security Council embargo and certification of the import certificate and delivery verification system which regulates controlled items from originating countries for end-users in Singapore.

9. Specifically, the Regulation of Imports and Exports Act and its Regulations enable Singapore to implement the sanctions in paragraphs 9 and 10 by controlling the import and export of items specified in those paragraphs. Singapore is in the process of amending the Regulation of Imports and Exports Act to incorporate the list of prohibited items and their modes of transaction, as covered by paragraphs 9 and 10.

United Nations Act

10. The United Nations Act enables the Singapore Government to give effect to binding decisions of the Security Council through subsidiary legislation, in areas not covered by existing legislation, without the need to enact additional primary legislation. Regulations made under this Act have force of law and entail criminal penalties, notwithstanding anything to the contrary in any other law apart from the Singapore Constitution. These Regulations apply to all persons and entities in Singapore and may be extended to Singapore citizens outside Singapore.

11. Singapore is currently drafting new Regulations under the United Nations Act which will criminalize the supply, sale or transfer, whether directly or indirectly, to the Libyan Arab Jamahiriya of any of the items in paragraph 9 of the resolution, from or through Singapore, by persons or entities in Singapore and Singapore citizens outside Singapore, or by using Singapore flagged vessels or aircraft. The Regulations will also implement paragraph 10 by criminalizing the procurement of

the items referred to in that paragraph from the Libyan Arab Jamahiriya by Singapore nationals or using Singapore flagged vessels or aircraft.

12. The Regulations will further criminalize the provision of technical assistance, training or non-financial assistance related to military activities as covered under paragraph 9. In addition, the Regulations will impose an asset freeze on all relevant assets covered under paragraph 17, other than assets in the possession of financial institutions, of the list of persons or entities in annex II to the resolution or as designated by the Committee established pursuant to paragraph 24 of the resolution. Assets in the possession of financial institutions will be frozen pursuant to Regulations made under the Monetary Authority of Singapore Act, as discussed below.

Monetary Authority of Singapore Act

13. Under section 27A of the Monetary Authority of Singapore Act, the Monetary Authority of Singapore may issue Regulations to require financial institutions to comply with Singapore's obligations under Security Council resolutions. New Regulations under the Monetary Authority of Singapore Act, currently in draft form, will impose an asset freeze on all relevant assets covered under paragraph 17. Financial institutions in Singapore will also be prohibited from providing financial assistance related to the activities as covered in paragraph 9. Any financial institution found to be in breach of the Regulations will be guilty of an offence and be liable on conviction to a fine.

Merchant Shipping Act

14. Under section 43 of the Merchant Shipping Act, the Maritime and Port Authority of Singapore may close the registry of a Singapore ship and cancel its certificate of registry. This statutory provision may be invoked in appropriate cases to enforce the relevant portions of resolution 1970 (2011).

Immigration Act

15. The Immigration Act sets the legal boundaries for the movement of persons into and out of Singapore. Under section 7, no person has automatic right of entry into Singapore apart from Singapore citizens. Under section 6, unless exempted by an order made under section 56, foreign visitors to Singapore must be issued with a valid pass before they are allowed entry. As part of the entry procedures, they are screened against the blacklist database of the Immigration and Checkpoint Authority during entry clearance. Persons designated in resolution 1970 (2011) or by the Sanctions Committee established under the resolution can be denied entry and returned to their last port of embarkation in accordance with international practice.

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Note verbale dated 24 June 2011 from the Permanent Mission of the Republic of Moldova to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Republic of Moldova to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya and has the honour to transmit herewith a report on measures taken by the Republic of Moldova to implement Security Council resolution 1970 (2011) (see annex).

11-45211 (E) 190811

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Annex to the note verbale dated 24 June 2011 from the Permanent Mission of the Republic of Moldova to the United Nations addressed to the Chair of the Committee

Report of the Republic of Moldova on the implementation of Security Council resolution 1970 (2011)

1. **The Ministry of Transport and Roads Infrastructure of the Republic of Moldova** has implemented the following measures:

- The notification regarding the introduction of restrictive measures against the Libyan Arab Jamahiriya and against legal and natural persons involved in serious human rights violations in the Libyan Arab Jamahiriya was placed on the official website of the Ministry.
- *In the field of air transport*: Following the Ministry's indication, the Civil Aviation Administration issued a circular letter concerning the compliance with the requirement of Security Council resolution 1970 (2011) to prohibit air operators from using their aircraft which are registered in the Air Register of the Republic of Moldova for transportation, direct and indirect supply, sale or transfer to the Libyan Arab Jamahiriya of arms and related materiel of all types stipulated in paragraph 9 of the resolution, as well as conducting any other activities that would violate the provisions of the resolution.
- *In the field of the road transport*: The notification on the arms embargo and travel ban for people listed in the annex to the resolution was placed on the official website of the Public Institution National Agency for Road Transport.
- *In the field of the inland transport waterway*: The Public Institution Harbour Master Port of Giurgiulesti informed the owners and operators of vessels that operate under the State Flag of the Republic of Moldova to refrain from carrying out direct or indirect transport of goods stipulated in the resolution to the Libyan Arab Jamahiriya. Also, the appropriate measures were provided in the Giurgiulesti Port Complex to inform the competent bodies of the Republic of Moldova about the entry of ships carrying goods which are stipulated in the resolution and the vessels under the State Flag of the Libyan Arab Jamahiriya.

2. **The Border Guard Service of the Republic of Moldova** has informed all national border crossing points about the provisions of the said resolution. The interdiction for travel to the Republic of Moldova of the persons mentioned in annex I to the resolution was also introduced in the Border Guard Service Integrated Information System.

3. **The Customs Service of the Republic of Moldova**: According to the procedure of risk management in customs, the Service arranged for the creation of selectivity criteria within the Automated System for Customs Data ASYCUDA World, which stipulates that all deliveries performed with the destination of the Libyan Arab Jamahiriya are subject to detailed documentary and physical control. Also, all subdivisions of the Customs Service were informed about the resolution. Import/export/transit operations with the Libyan Arab Jamahiriya, prohibited under paragraphs 9 and 10 of the said resolution, have not been registered so far.

4. **The Ministry of Economy of the Republic of Moldova** has not registered, so far, any exports of weapons or products with double destination to the Libyan Arab Jamahiriya. At the same time, according to Law No. 1163 of 26 July 2000 on the control of export, re-export, import and transit of strategic goods, the Republic of Moldova participates in the international activity in the field of control of export, re-export, import and transit of strategic goods within the United Nations and other international organizations, the field of activity which deals with ensuring and consolidating the non-proliferation regime of weapons of mass destruction, as well as of other strategic goods used in military purposes. Thus, according to the national legislation, the Ministry of Economy observes the United Nations resolutions in the sense of authorization of strategic goods to the Libyan Arab Jamahiriya.

5. **The National Bank of Moldova** forwarded the said resolution to licentiate banks in order to be implemented. At the moment, the Bank does not have any information regarding identification of goods and other properties possessed or controlled directly or indirectly by persons listed in annex II to the resolution.

6. **The Ministry of Defence of the Republic of Moldova** communicated that the Moldovan National Army does not have any cooperation relationship with the Libyan Arab Jamahiriya. At the same time, the Ministry of Defence, in the framework of the planned activities, will observe the restrictions approved by the Security Council.

7. **The Security and Information Service of the Republic of Moldova** does not have any information on the travel of persons mentioned in the said resolution to/from Moldova, as well as their possession of goods on the territory of our State.

8. **The Ministry of Finance of the Republic of Moldova** communicated that, according to the Main State Tax Inspectorate, the persons specified in annex II to the above-mentioned resolution do not possess properties and are not founders of any enterprises registered in the Republic of Moldova.